IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3456 OF 2003

Shri Rajendra Anandrao Sonawane. ...Petitioner.
Vs.
The Union of India & Ors. ...Respondents.
....
Mr. S. P. Thorat for the Petitioner.
.....
CORAM : F.I. REBELLO, J. AND
DR.D.Y.CHANDRACHUD, J.

February 8, 2006.

P.C.

The Petitioner, by the present petition, seeks to impugn the order dated 19th April 2001. The Petitioner had filed the Original Application seeking a prayer that adverse entries for the year 1995-96 should be expunged and thereafter to consider his case for promotion without those entries. In para 21 of the order of the Tribunal, the Tribunal has recorded a finding of fact that adverse entries of 1995-96 were not taken into consideration while considering the case of the Petitioner. That the Petitioner was assessed as 'Good', but only those candidates who were assessed as 'very good' were granted promotion. We find that the order on that count does not suffer from any error apparent.

The next contention as urged on behalf of the Petitioner is that he has already sought a prayer by an amendment to expunge adverse remarks for the year 1995-96. That issue has been dealt with by the Tribunal in para 22 of its order. The Learned Counsel states that the said C.Rs. would stand in the way of future promotion. In the matter of promotion, it is not the entire record from the date of the appointment of the Petitioner which would be considered, but the record for the years in terms of the O.M. which is normally five years. In these circumstances, we do not think that this is a fit case to exercise our extraordinary jurisdiction. No interference is called for. The petition is rejected.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)